

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38

WHEREAS, Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, grant local municipalities broad home rule authority to adopt ordinances to provide for health, safety, and welfare of the general public; and

WHEREAS, the City of Oakland Park has adopted a local Code of Ordinances, which serves as the regulatory document outlining the establishment and operation of land uses within the municipality; and

WHEREAS, the City has duly established land development regulations contained in the Land Development Code, Chapter 24 of the City of Oakland Park Code of Ordinances; and

WHEREAS, on June 23, 2017, Governor Rick Scott signed Senate Bill 8-A, substantially amending Section 381.986, Florida Statutes, allowing municipalities to either ban Medical Marijuana Dispensaries or regulate them in the same manner as Pharmacies; and

WHEREAS, in October 2017, the City Commission of the City of Oakland Park adopted new legislation, amending the “Master Business List” table in Section 24-41 and the “Downtown Mixed Use District Use Table” in Section 24-

1 265 (later amended to Section 24-266 entitled “Downtown Development District
2 (OP3D) Use List”) allowing Medical Marijuana Dispensaries to operate in the City
3 of Oakland Park consistent with the same regulations governing pharmacies in
4 accordance with Florida Statutes; and
5

6 **WHEREAS**, at the June 21, 2023, City Commission meeting, staff
7 received feedback from the City Commission that Oakland Park has reached
8 sufficient capacity for the location of Medical Marijuana uses and now desires to
9 institute a ban on the establishment of new Medical Marijuana uses within the
10 City in accordance with the authority provided under Section 381.986(11),
11 Florida Statutes by prohibiting the use in every zoning district.
12

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
14 **OF THE CITY OF OAKLAND PARK, FLORIDA THAT:**
15

16 **SECTION 1.** That the forgoing “WHEREAS” clauses are hereby ratified
17 and confirmed as being true and correct and are hereby made a part of this
18 Ordinance upon adoption thereof.
19

20 **SECTION 2.** Chapter 24, Article III, Section 24-41 entitled “Master
21 Business List,” of the City of Oakland Park Land Development Code is hereby
22 amended as follows:
23

24 (C) Master business list. The following is the master business list, indicating the
25 permitted and prohibited uses and those uses subject to the supplemental
26 regulations and definitions of this section. The following uses are principal
27 uses unless otherwise stated. In some cases, a use may be permitted in the
28 district, but would constitute a change of use pursuant to the parking and
29 landscaping sections of this Code. There shall be no variances on the uses
30 listed in the Master Business List in this subsection.
31

Business Listing	Prohibited	NB	B-1	B-2	B-3	I-1	PRZD	FHOD	PRD
Medical marijuana treatment center or dispensing facility	<u>X</u>	G14	G14	G14	G14		G14	G14	G14

32
33 **SECTION 3.** Chapter 24, Article XX, Section 24-266 entitled “Downtown
34 Development District (OP3D) Use List,” of the City of Oakland Park Land
35 Development Code is hereby amended as follows:

1 (C) *OP3D Use List*. The following is the OP3D Use List, indicating the permitted
 2 and prohibited uses and those uses subject to the supplemental regulations
 3 and definitions of this section. The following uses are principal uses unless
 4 otherwise stated. There shall be no variances on the uses listed in the use
 5 list in this subsection. A use listed in the city-wide master business list in
 6 section 24-41 or not included in the definition or description of a use listed
 7 herein but not listed in this table is prohibited.

Business Listing	Prohibited	Downtown Core	Intown Neighborhood	Warehouse Flex	Middle River District	North End Townhomes
Medical marijuana treatment center or dispensing facility	<u>X</u>	C1, 14		C1, 14	C1, 14	

8
 9 **SECTION 4.** If any clause, section or other part of this Ordinance shall
 10 be held by any Court of competent jurisdiction to be unconstitutional or invalid,
 11 such unconstitutional or invalid part shall be considered as eliminated and in no
 12 way affecting the validity of the other provisions of this Ordinance.

13
 14 **SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith
 15 are hereby repealed to the extent of such conflicts.

16
 17 **SECTION 6.** This Ordinance shall be effective upon its passage and
 18 adoption by the City Commission of the City of Oakland Park.

19
 20 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
 21 **FLORIDA, ON FIRST READING, THIS ____, DAY OF ____, 2023.**

22
 23
 24 M. ROSENWALD _____
 25 T. LONERGAN _____
 26 S. ARNST _____
 27 L. NEWBOLD _____
 28 A. GORDON _____

29
 30 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
 31 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS ____, DAY OF**
 32 **_____, 2023.**

33
 34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CITY OF OAKLAND PARK, FLORIDA

MAYOR AISHA GORDON

M. ROSENWALD _____
T. LONERGAN _____
S. ARNST _____
L. NEWBOLD _____
A. GORDON _____

ATTEST:

RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:
I hereby certify that I have approved the form of this Ordinance (O-2023-XXX):

DONALD J. DOODY, CITY ATTORNEY